



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 20, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0093

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.080 – Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles	Not Sustained - Inconclusive
# 2	5.001 – Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1) used her cell phone while stopped at a light. The Complainant also alleged NE#1 unjustifiably violated traffic laws.

ADMINISTRATIVE NOTE:

On June 29, 2023, the Office of Inspector General (OIG) certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant called the King County Sheriff’s Office (KCSO) to report a February 20, 2023, incident. The Complainant reported a vehicle he believed was driven by a KCSO deputy traveling more than 100 MPH on State Route 169 without its lights activated. The Complainant provided the vehicle’s license plate number, color (navy blue), and direction of travel. KCSO sent the complaint to OPA because the car was registered to the City of Seattle.

OPA contacted the Complainant to ascertain the driver’s identity. The Complainant said he was traveling to Renton when he saw a dark blue Ford Explorer driving fast. The vehicle had no police markings but had a lightbar and a driver-side spotlight. The Complainant said he was going 60 to 65 MPH when the car doubled his distance within seconds. He caught up to the vehicle when it was stopped at a light. He described the driver as, among other things, female. He also saw her using her phone while at the red light. The Complainant supplied OPA with three photographs of the vehicle’s rear, showing cars ahead of the SPD police vehicle.

OPA opened an investigation. During its investigation, OPA reviewed the complaint, computer-aided dispatch (CAD) call report, photographs, and an SPD fleet and employment information. OPA interviewed the Complainant and NE#1.



OPA contacted Seattle Fleet Management. An employee confirmed the vehicle's registration, unit assignment, and person assigned to it. Although the car was assigned as a take-home vehicle to a male officer, NE#1—who is female—regularly fueled it. Based on employment and CAD data, OPA confirmed that NE#1 drove the vehicle. Her physical description also matched that provided by the Complainant. OPA could not locate the vehicle's global positioning system (GPS) data. OPA also could not ascertain NE#1's speed on State Route 169 on February 20, 2023. CAD data showed that NE#1 was not responding to an emergency call or another incident.

OPA interviewed the Complainant. His statements were generally consistent with his statements to KCSO and OPA. Additionally, the Complainant acknowledged speeding when he saw the unmarked police vehicle, estimating his speed to be 60 to 65 MPH. He believed the vehicle traveled significantly faster, estimating that speed to be 75 to 85 MPH. He said that because the car was obstructed by traffic, it was forced to stop moments later. He confirmed that the vehicle did not switch in and out of lanes, did not cut off any other vehicle, and did not run through any traffic lights or signs.

OPA interviewed NE#1. NE#1 could not recall many details regarding that date because it did not stand out. NE#1 confirmed that the unmarked police vehicle was her take-home vehicle. She also confirmed that she frequently drove on State Route 169. NE#1 denied speeding on the road, saying the speed limit is "40 to 50 MPH, and I would absolutely not go 75 MPH. That would be not something that I would do." She did not believe she was there for anything work-related. NE#1 also denied using her cell phone while driving.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles

The Complainant alleged that NE#1 used her cell phone while operating a police vehicle.

SPD employees are prohibited from "Talking, texting, or any form of electronic communication or data retrieval on a handheld device while driving, except as provided by RCW 46.61.672." SPD Policy 13.080-POL-11.

Here, the Complainant said he saw NE#1 using her cell phone at a red light. NE#1 denied using her cell phone while driving. Since there is no corroboration for either account, OPA cannot conclude that one version is more accurate.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

The Complainant alleged that NE#1 operated a police vehicle over the posted speed limit without lights activated.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*



Here, the Complainant saw NE#1 speeding, even though he provided inconsistent estimates of that speed, telling KCSO that NE#1 drove more than 100 MPH and telling OPA that NE#1 went 75 to 85 MPH. Understandably, the Complainant had no speed detection device and could only estimate NE#1's speed with visual perception. Conversely, NE#1 denied speeding. OPA received no other complaints regarding NE#1's driving. OPA also could not ascertain NE#1's speed based on CAD or GPS data. Like in Named Employee #1 – Allegation #1, both accounts lack corroboration. OPA cannot conclude that one version is more accurate than the other.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**